

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America

v.

LOPEZ JUAREZ, Octavio Ivan  
aka LOPEZ-JUAREZ, Oscar  
aka VELASCO-LOERA, Oscar  
aka VELASCO-CAMPOS, Oscar  
aka VELASCO-SERDA, Esteban  
aka DUANES, Joe Erik

Case No. Case: 2:23-mj-30143  
Assigned To : Unassigned  
Assign. Date : 4/6/2023  
USA V. LOPEZ JUAREZ (CMP)(CMC)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 3, 2023 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*

*Offense Description*

Title 8 U.S.C. Sec. 1326(a) and (b)(1)

Illegal Reentry After Removal

This criminal complaint is based on these facts:

On or about April 3, 2023, in the Eastern District of Michigan, Southern Division, Octavio Ivan LOPEZ JUAREZ, a citizen and national of Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about July 27, 2015 and not having received the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: April 6, 2023

City and state: Detroit, Michigan

  
Complainant's signature

Joshua Maxwell, CBP Enforcement Officer  
Printed name and title

  
Judge's signature

Kimberly Altman, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT**

The affiant being duly deposed and sworn states:

1. I, Joshua R. Maxwell, am an Enforcement Officer with the Department of Homeland Security, Customs and Border Protection, and have been employed with the same for over twenty-two years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the reentry of illegal aliens and I have received training in this area. This affidavit is submitted in support of a finding of probable cause and is a summary of information known to law enforcement personnel, other civilian witnesses, and my personal knowledge.
  
2. On April 3, 2023, at approximately 2:00 pm, at the Detroit Ambassador Bridge, Detroit, Michigan, Customs and Border Protection Officers (CBPO), assigned to the Detroit Contraband Enforcement Team (DCET), encountered a citizen and national of Mexico, Octavio Ivan LOPEZ JUAREZ, who got lost in traffic after following his GPS navigation, and who had been previously ordered removed and deported from the United States. DCET CBPO S. Halter stopped LOPEZ JUAREZ after he attempted to avoid passenger outbound inspections. DCET CBPO Sin asked LOPEZ JUAREZ for identification with LOPEZ JUAREZ presenting a fraudulent Mexican driver's license in the name of Joe Erik Duarnes, DOB 09/06/19xx. LOPEZ JUAREZ presented additional fraudulent United States documents in the name of Joe Erik Duanes, including a social security card and a permanent resident card. DCET CBPO E. Smith queried the identification presented by

LOPEZ JUAREZ, which indicated that LOPEZ JUAREZ has numerous previous removals and a lengthy criminal history.

3. On March 10, 2000, LOPEZ JUAREZ was apprehended by USBP at or near Eloy, Arizona using the name Oscar Velasco-Loera. LOPEZ JUAREZ was served with a Notice to Appear (NTA) before an Immigration Judge (IJ) for entering the United States without Inspection, in violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA). LOPEZ JUAREZ was ordered removed from the United States to Mexico by the Immigration Judge. LOPEZ JUAREZ was physically removed from the United States to Mexico via the Nogales, Arizona Port of Entry (POE).
4. On November 4, 2000, LOPEZ JUAREZ was arrested in West Covina, California, for Petty Theft and Possess Deceptive Government ID/Driver License. LOPEZ JUAREZ pled guilty and was sentenced to 3 years' probation, 1 day in jail, work program, and restitution.
5. On February 21, 2002, LOPEZ JUAREZ was apprehended by USBP at or near Boulevard, California using the name Oscar Velasco-Loera. LOPEZ JUAREZ was served with a NTA before an Immigration Judge for entering the United States without Inspection, in violation of Section 212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ was ordered removed from the United States to Mexico. LOPEZ JUAREZ was physically removed from the United States to Mexico via the San Ysidro, California POE.
6. On March 6, 2003, LOPEZ JUAREZ was apprehended by USBP at or near Jacumba, California, using the name Oscar Velasco-Loera, for entering the United States without inspection in violation of Section

212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ's previous order of removal was reinstated via Form I-871. LOPEZ JUAREZ was physically removed from the United States to Mexico at the San Ysidro, California POE.

7. On May 14, 2003, LOPEZ JUAREZ was apprehended by USBP at or near Jacumba, California, using the name Oscar Velasco-Loera, for entering the United States without inspection in violation of Section 212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ's previous order of removal was reinstated via Form I-871. LOPEZ JUAREZ was physically removed from the United States to Mexico at the San Ysidro, California POE.

8. On February 2, 2004, LOPEZ JUAREZ was apprehended by USBP at or near Jacumba, California, using the name Oscar Velasco-Loera, for entering the United States without inspection in violation of Section 212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ's previous order of removal was reinstated via Form I-871.

9. LOPEZ JUAREZ was charged with a violation of Title 8 U.S.C. §1326, Deported Alien found in the United States. LOPEZ JUAREZ pled guilty in the United States District Court, Southern District of California. LOPEZ JUAREZ was sentenced on or about March 29, 2004, to 60 days' confinement and 1 year of supervised release. He was removed from the United States on or about April 6, 2004.

10. LOPEZ JUAREZ was arrested on April 29, 2005, in City of Industry, California, for DUI Alcohol/Drugs. No disposition was listed.

11. LOPEZ JUAREZ was arrested on December 1, 2005, in Pomona, California, for Failure Prove Financial Responsibility: PO Request. A bench warrant was issued.

12. On June 27, 2006, LOPEZ JUAREZ was apprehended by CBP at San Ysidro, California POE, using the name Oscar Velasco-Loera. LOPEZ JUAREZ was served with a NTA before an Immigration Judge after being found concealed in a truck, in violation of Sections 212(a)(7)(A)(i)(I) and 212(a)(9)(A)(i) of the INA. LOPEZ JUAREZ was ordered removed from the United States to Mexico by the Immigration Judge. LOPEZ JUAREZ was physically removed from the United States to Mexico via the San Ysidro, California POE.

13. LOPEZ JUAREZ was arrested on August 16, 2007, in Los Alamitos, California, for Driving Without a License. No disposition was listed.

14. LOPEZ JUAREZ was arrested on October 3, 2007, in Westminster, California, for Driving Without a License. LOPEZ JUAREZ was sentenced to a fine.

15. LOPEZ JUAREZ was arrested on August 3, 2008, in Colorado, for a Moving Traffic Violation. No disposition was given.

16. LOPEZ JUAREZ was arrested on August 14, 2008, by Immigration and Customs Enforcement (ICE) at Denver, Colorado, for a violation of Title 8 U.S.C. §1326(a) and (b)(1), Illegal Reentry after Deportation Following a Felony Conviction. LOPEZ JUAREZ pleaded guilty in the United States District Court, District of Colorado. LOPEZ JUAREZ was

sentenced on February 19, 2009, to 10 months' confinement and 3 years of supervised release. Following his sentence, LOPEZ JUAREZ was physically removed from the United States to Mexico via Del Rio, Texas POE.

17. LOPEZ JUAREZ was arrested on March 28, 2015, by USBP at or near San Ysidro, California. and was charged with a violation of 8 U.S.C. §1325, Illegal Entry. LOPEZ JUAREZ pled guilty in the United States District Court, Southern District of California. LOPEZ JUAREZ was sentenced to 4 months confinement. LOPEZ JUAREZ was physically removed from the United States to Mexico at the San Ysidro, California POE on or about July 27, 2015.

18. On December 3, 2021, LOPEZ JUAREZ was apprehended by USBP at or near Tecate, California, using the name Octavio LOPEZ-JUAREZ, for entering the United States without inspection in violation of Section 212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ was immediately returned to Mexico under Title 42 (Public Health Risk).

19. On January 7, 2022, LOPEZ JUAREZ was apprehended by USBP at or near Otay Mesa, California, using the name Octavio Ivan Lopez-Florez, for entering the United States without inspection in violation of Section 212(a)(6)(A)(i) of the INA. LOPEZ JUAREZ was immediately returned to Mexico under Title 42 (Public Health Risk).

20. On Monday, April 3, 2023, at Detroit, Michigan, LOPEZ JUAREZ was apprehended by immigration authorities and subsequently detained.



21. The aforementioned apprehension and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

22. LOPEZ JUAREZ's fingerprints and photograph were captured and entered into the IDENT and IAFIS systems. The results revealed that LOPEZ JUAREZ, is a citizen of Mexico who has been previously removed from the United States. The record checks reveal that no record exists of LOPEZ JUAREZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about July 27, 2015.

23. LOPEZ JUAREZ was read his Miranda Rights and stated that he understood his rights and was willing to speak without an attorney present. LOPEZ JUAREZ admitted that he is a citizen and national of Mexico and that was not in possession of any immigration document that would allow him to enter or be in the United States legally. LOPEZ JUAREZ admitted to his previous arrests, convictions, apprehensions, and removals from the United States.

24. Therefore, based upon the aforementioned facts, I have probable cause to believe that on or about April 3, 2023, in the Eastern District of

Michigan, Octavio Ivan LOPEZ JUAREZ, a non-citizen, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about July 27, 2015, and not having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, in violation of Title 8 United States Code, Section 1326(a) and (b)(1).



Joshua R. Maxwell, Enforcement Officer  
U.S. Customs and Border Protection

Sworn to before me and signed in my  
presence and/or by reliable electronic means.



Kimberly Altman  
United States Magistrate Judge

Date: April 6, 2023